

0764 DIV

REMARKS

Claim 44 has been canceled without prejudice or disclaimer. Additionally, a number of the other claims have been amended in an effort to place this application in condition for allowance. In that regard, claims 87, 91, 92, 94, 96, 98, 99, and 100, which were indicated by the examiner to be allowable if properly rewritten, have been placed in independent form. Additionally, claims 85, 90, 97, 101, and 102 have been amended to depend from an allowable claim.

Claim 96 was objected to on the basis of a typographical error, which has been corrected in the amended form of that claim.

Claims 83, 87 through 89, 96, 103, and 104 were rejected as indefinite. Those claims have each been amended in accordance with the examiner's suggestion by the substitution of "first and second transmission input shafts" for "a transmission input shaft."

Claims 44, 83 through 86, 90, 97, 101, 102, and 105 were rejected as anticipated by the DE '549 reference. In that regard, claim 44 has been canceled, claims 85 and 86 now depend from allowable claim 87, claims 90, 97, 101, 102, and 105 now depend from allowable claim 91.

With respect to claims 83 and 84, each of those claims has been amended to include the subject matter of canceled claim 44, and also by reciting that "the electrical machine is selectively coupleable and uncoupleable from each of the first and second transmission input shafts. Each of claims 83 and 84 as so amended recites a method that is not disclosed in, nor suggested by, the DE '549 reference. Specifically, that reference, an English-language counterpart of which

0764 DIV

appears to be US 6,712,734, as was noted by the examiner, teaches an arrangement in which each of electrical machines 34 and 35 is non-rotatably and permanently drivingly connected with input shafts 12 and 13, respectively. Thus the reference cannot function as claimed in the amendatory clause at the end of each of amended claims 83 and 84 because the respective electrical machines are not selective coupleable and uncoupleable from their respective input shafts.

Indeed, the reference relied upon clearly states: "It is essential to the invention that in the exemplary embodiment of Fig. 1, each of the input shafts 12, 13 is connected by positive engagement to a separate electric machine." (See US '734, col. 2, lines 51 through 54). The reference also states that the connection between electric machines 34, 35 to their respective input shafts need not be a direct connection, but could be by way of a respective intermediate transmission. (See US '734, col. 2, lines 62 through 64). That arrangement is illustrated in Fig. 2 of the reference, which shows a geared connection between the electrical machine and each of the respective transmission input shafts. In either case shown in Figs 1 or 2, however, no uncoupling of the electrical machines from each of the input shafts is disclosed, nor is it even suggested.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the contained in the that was cited and relied upon by the examiner, whether that reference be considered in the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Consequently, this application is believed to be in condition for allowance, and reconsideration and reexamination of the application is

0764 DIV

respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,



June 28, 2005

Alfred J. Mangels
Reg. No. 22,605
4729 Cornell Road
Cincinnati, Ohio 45241
Tel.: (513) 469-0470